

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CR418
)	
vs.)	
)	MOTION TO DISMISS
MATTHEW L. KOLACZOWSKI,)	FORFEITURE ALLEGATION
)	
Defendant.)	

COMES NOW the Plaintiff, the United States of America, and respectfully requests this Court dismiss the Forfeiture Allegation of the Indictment. In support of this Motion, the Plaintiff respectfully shows the Court as follows:

1. The Indictment filed herein contains a Forfeiture Allegation pertaining to \$6,390.00 seized from Matthew A. Kolaczowski on October 3, 2010.
2. Since the filing of said Indictment, the United States was informed the United States Drug Enforcement Administration administratively forfeited the \$6,390.00 in United States currency. Consequently, the United States can not proceed further with its judicial forfeiture action.

WHEREFORE the Plaintiff, United States of America, respectfully requests this Court dismiss the Forfeiture Allegation of the Indictment.

UNITED STATES OF AMERICA,
Plaintiff

DEBORAH R. GILG
United States Attorney

s/Nancy A. Svoboda

By:

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CERTIFICATE OF SERVICE

I hereby certify on March 8, 2012, I caused the foregoing to be electronically filed with the Clerk of the Court of the United States District Court for the District of Nebraska by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

s/Nancy A. Svoboda

NANCY A. SVOBODA
Assistant United States Attorney